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UNIVERSITY OF PITTSBURGH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER
EDUCATION d/b/a UNIVERSITY OF
PITTSBURGH

Plaintiff,

v.

VARIAN MEDICAL SYSTEMS, INC.

Defendant.

Case No. CV 08-02973 MMC

**DECLARATION OF LAURA HILLOCK
IN SUPPORT OF UNIVERSITY OF
PITTSBURGH'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF A DOCUMENT**

Date: September 5, 2008
Time: 9:00 a.m.
Courtroom 7, 19th Floor

1 I, Laura Hillock, declare as follows:


2 1. I am an Associate General Counsel of the University of Pittsburgh. I am authorized
3 to represent University of Pittsburgh. The matters referred to in my declaration are based on my
4 personal knowledge and, if called as a witness, I could and would testify competently to those
5 matters.

6 2. I have reviewed the Memorandum in Support of Defendant Varian Medical Systems,
7 Inc.'s Motion for Summary for Lack of Standing, Or in the Alternative, Motion for a Preliminary
8 Hearing on the Issue of Standing ("Varian SJ Brief") filed by Varian Medical Systems, Inc. in the
9 Western District of Pennsylvania action, Case No. 07-0491, and attached as Exhibit 2 to University
10 of Pittsburgh's Request for Judicial Notice in Support of Its Opposition to Varian Medical Systems
11 Inc.'s Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6) ("UPitt's Request"). Varian's SJ Brief
12 contains information from documents that were produced by the University of Pittsburgh in the
13 Western District of Pennsylvania action, Case No. 07-0491, and designated as Confidential Attorney
14 Eyes Only by University of Pittsburgh pursuant to the Protective Order (Docket No. 29, as amended
15 Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491.

16 3. I have identified the specific portions of Varian's SJ Brief that contain information
17 that the University of Pittsburgh considers confidential and, therefore, should be sealed. These
18 sealable portions all contain communications regarding the details of a research agreement between
19 the University of Pittsburgh and Elekta Oncology Systems, Inc. The parties to the research
20 agreement agreed to keep the details of the research agreement confidential. Furthermore, the details
21 of this research agreement are commercial information which is not publicly known and is of
22 commercial advantage to University of Pittsburgh. Accordingly, University of Pittsburgh requests
23 that all of the identified portions of Exhibit 2 to UPitt's Request be filed under seal.

24 4. It is my understanding that two copies of Exhibit 2 with the aforementioned identified
25 sealable portions will be lodged with the Clerk in envelopes labeled "DOCUMENT SUBMITTED
26 UNDER SEAL," and that a redacted version of the document will also be logged with the Clerk
27 shortly after the filing of my declaration. The identified portions of Exhibit 2 referenced herein are
28 the same as those being lodged with the clerk.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this declaration was executed this 15th day of August, 2008,
3 at Pittsburgh, Pennsylvania.

4
5 By: 
6 Laura Hillock

7
8 Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Rita E. Tautkus,
9 attest that concurrence in the filing of this document has been obtained from Laura Hillock. I
10 declare under penalty of perjury under the laws of the United States of America that the foregoing is
11 true and correct. Executed this 15th day of August, 2008, at San Francisco, California.

12
13 /s/ Rita E. Tautkus
14 Rita E. Tautkus
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